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TECH CENTER 1600/2900

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

Application of: Webster

MAY 24 2002

Serial No.: 09/723,326

Art Unit: 1645

TECH CENTER 1600/2900

Filed: November 28, 2000

Examiner: To be assigned

For: A MOLECULAR SWITCH FOR REGULATING  
MAMMALIAN GENE EXPRESSION

Attorney Docket No.: 10989-004-999

Formerly: P 0268461 UM99-29

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56 and § 1.97**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicant hereby direct the Examiner's attention to the references (AA-AG) listed on the attached revised form PTO-1449 entitled "List of References Cited by Applicant." Copies of references AA-AG are being submitted herewith.

References AB-AG were cited in an International Search Report, mailed September 21, 2001, in connection with corresponding International Application No. PCT/US00/33269, filed December 15, 2000. A courtesy copy of the International Search Report is enclosed herewith.

Identification of the listed references is not to be construed an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the subject application. Consequently, Applicant respectfully declines to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicant submits herewith several pages of a "revised form PTO-1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), it is estimated that no fee is due. However, if a fee is deemed to be due, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

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Enclosures